

Title 33
ENVIRONMENTAL QUALITY
Part VII.Solid Waste

Chapter 13. Type IIA Processors

§1301. Part I: Permit Application Form

The applicant shall complete a standard permit application Part I Form (Appendix B). The following subsections refer to the items on the form requiring that information:

A. name of applicant (prospective permit holder) applying for a standard permit;

B. facility name;

C. description of the location of the facility (identify by street and number or by intersection of roads, or by mileage and direction from an intersection);

D. geographic location (section, township, range, and parish where the facility is located, and the coordinates [as defined by the longitude and latitude to the second] of the centerpoint of the facility);

E. mailing address of the applicant;

F. contact person for the applicant (position or title of the contact person is acceptable);

G. telephone number of the contact person;

H. type and purpose of operation (check each applicable box);

I. status of the facility (if leased, state the number of years of the lease and provide a copy of the lease agreement);

J. operational status of the facility;

K. total site acreage and the amount of acreage that will be used for processing and/or disposal;

L. list of all environmental permits that relate directly to the facility represented in this application;

M. a letter attached from the Louisiana Resource Recovery and Development Authority (LRRDA) stating that the

operation conforms with the applicable statewide plan. (Note: In accordance with R.S. 30:2307.B, this regulation does not apply to solid waste disposal activity occurring entirely within the boundaries of a plant, industry, or business which generates such solid waste);

N. zoning of the facility (if the facility is zoned, note the zone classification and zoning authority, and include a zoning affidavit or other documentation stating that the proposed use does not violate existing land-use requirements);

O. types, maximum quantities (wet tons/week), and sources (percentage of the on-site or off-site-generated waste to be received) of waste to be processed or disposed of by the facility;

P. indicate the specific geographic area(s) to be serviced by the solid waste facility;

Q. attach proof of publication of the notice regarding the submittal of the permit application as required in LAC 33:VII.513.A;

R. provide the signature, typed name, and title of the individual authorized to sign the application. Proof of the legal authority of the signatory to sign for the applicant must be provided; and

S. any additional information required by the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§1303. Part II: Supplementary Information, Type II-A Processors

The following information is required in the permit application for Type II-A processors. All responses and exhibits must be identified in the following sequence to facilitate the evaluation. If a section does not apply, the applicant must state that it does not apply and explain why.

A. Location Characteristics.

1. Area Master Plans. A location map showing the facility, road network, major drainage systems, drainage-flow patterns, location of closest population center(s), location of the public-use airport(s) used by turbojet aircraft or

piston-type aircraft, proof of notification of affected airport and Federal Aviation Administration as provided in LAC 33:VII.709.A.2, location of the 100-year flood plain, and other pertinent information. The scale of the maps and drawings must be legible, and engineering drawings are required.

2. A letter from the appropriate agency or agencies regarding those facilities receiving waste generated off-site, stating that the facility will not have a significant adverse impact on the traffic flow of area roadways and that the construction, maintenance, or proposed upgrading of such roads is adequate to withstand the weight of the vehicles.

a. Access to facilities by surface or water transportation shall be by all-weather roads or waterways that can meet the demands of the facility and are designed to avoid, to the extent practicable, congestion, sharp turns, obstructions, or other hazards conducive to accidents.

b. The surface roadways shall be adequate to withstand the weight of transportation vehicles.

3. Existing Land Use. Processing facilities may be subject to a comprehensive land-use or zoning plan established by local regulations or ordinances. A description of the total existing land use within three miles of the facility (by approximate percentage) including, but not limited to:

- a. residential;
- b. health-care facilities and schools;
- c. agricultural;
- d. industrial and manufacturing;
- e. other commercial;
- f. recreational; and
- g. undeveloped.

4. Aerial Photograph. A current aerial photograph, representative of the current land use, of a one-mile radius surrounding the facility. The aerial photograph shall be of sufficient scale to depict all pertinent features.

5. Environmental Characteristics—Facilities located in, or within 1,000 feet of, swamps, marshes, wetlands, estuaries, wildlife-hatchery areas, habitat of endangered species, archaeologic sites, historic sites, publicly owned recreation areas, and similar critical environmental areas shall be isolated from such areas by effective barriers that eliminate probable adverse impacts from facility operations.

a. a list of all known historic sites, recreation areas, archaeologic sites, designated wildlife-management areas, swamps and marshes, wetlands, habitats for endangered species, and other sensitive ecologic areas within 1,000 feet of the facility perimeter or as otherwise appropriate;

b. documentation from the appropriate state and federal agencies substantiating the historic sites, recreation areas, archaeologic sites, designated wildlife-management areas, wetlands, habitats for endangered species, and other sensitive ecologic areas within 1,000 feet of the facility; and

c. a description of the measures planned to protect the areas listed from the adverse impact of operation at the facility;

d. Demographic Information. The estimated population density within a three-mile radius of the facility boundary, based on the latest census figures.

B. Facility Characteristics—A facility plan, including drawings and a narrative, describing the information required below must be provided.

1. elements of the process system employed, including, as applicable, property lines, original contours (shown at not greater than five-foot intervals), buildings, units of the facility, drainage, ditches and roads;

2. Perimeter barriers, Security, and Signs

a. Facilities must have a perimeter barrier around the

facility that prevents unauthorized ingress or egress, except by willful entry.

b. Each facility entry point shall be continuously monitored, manned, or secured.

c. Facilities that receive wastes from off-site sources shall post readable signs that list the types of waste that can be received at the facility.

3. Buffer Zones

a. Buffer zones of not less than 200 feet shall be provided between the facility and the property line. A reduction in this requirement shall be allowed only with the permission, in the form of a notarized affidavit, of the adjoining landowner(s) including all landowners if in *in division*. A copy of the notarized affidavit waiving the 200-foot buffer zone shall be entered in the mortgage and conveyance records of the parish for the adjoining landowner's property. Buffer-zone requirements may be waived or modified by the administrative authority for areas of landfills which have been closed in accordance with these regulations and for existing facilities, or in accordance with LAC 33:VII.307.

b. No storage or processing of solid waste shall occur within the buffer zone.

4. Fire Protection and Medical Care. Facilities shall have access to required fire protection and medical care, or such services shall be provided internally.

5. Landscaping and other Beautification efforts. All proposed facilities, other than those which are located within the boundaries of a plant, industry, or business which generates the waste to be processed, must provide landscaping to improve the aesthetics of the facility.

6. Devices or methods to determine, record, and monitor incoming waste;

a. Each processing facility shall be equipped with a

device or method to determine quantity (by wet-weight tonnage); sources (whether the waste was generated in-state or out-of-state and, if it is industrial solid waste, where it was generated); and types of incoming waste (i.e., commercial, residential).

The facility shall also be equipped with a device or method to control entry of the waste and prevent entry of unrecorded or unauthorized deliverables (i.e., hazardous, unauthorized, or unpermitted solid waste).

b. Each processing facility shall be equipped with a central control and recordkeeping system for tabulating the information required in Subsection B.5.a. of this Section.

7. Permitted discharge points (existing and proposed).

8. Other features, as appropriate.

C. Facility Surface Hydrology

1. Facilities located in the 100-year floodplain must be filled to bring site elevation above flood levels or perimeter levees or other measures must be provided to maintain adequate protection against the 100-year flood elevation.

2. Facilities located in or within 1,000 feet of an aquifer recharge zone shall be designed to protect the areas from adverse impacts of operations at the facility.

a. the location of aquifer recharge areas in the site or within 1,000 feet of the site perimeter.

b. a description of the measures planned to protect those areas from the adverse impact of operations at the facility.

3. if the facility is located in a flood plain, a plan to ensure that the facility does not restrict the flow of the 100-year base flood or significantly reduce the temporary water-storage capacity of the flood plain, and documentation indicating that the design of the facility is such that the flooding does not affect the integrity of the facility or result in the washout of solid waste.

D. Facility Geology.

1. Except as provided in Subsection D.2 of this Section, facilities shall have natural stable soils of low permeability for the area occupied by the solid waste facility, including vehicle parking and turnaround areas, that should provide a barrier to prevent any penetration of surface spills into groundwater aquifers underlying the area or to a sand or other water-bearing stratum that would provide a conduit to such aquifers.

2. A design for surfacing natural soils that do not meet the requirement in Subsection D.1 of this Section shall be prepared and installed under the supervision of a registered engineer, licensed in the state of Louisiana, with expertise in geotechnical engineering and geohydrology. Written certification by the engineer or geologist that the surface satisfies the requirements of Subsection D.1 of this Section shall be provided.

F. Facility Plans and Specifications.

1. Certification—Plans, specifications, and operations represented and described in the permit application or permit modifications for all facilities must be prepared under the supervision of and certified by a registered engineer, licensed in the state of Louisiana. The person who prepared the permit application must provide the following certification:

"I certify under penalty of law that I have personally examined and I am familiar with the information submitted in this permit application and that the facility as described in this permit application meets the requirements of the Solid Waste Rules and Regulations. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.

G. Facility Administrative Procedures

1. Recordkeeping and Reports

a. The permit holder shall submit annual reports to the administrative authority indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. All calculations used to determine the amounts of solid waste received for processing during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Department. The following applies to reports:

b. The reporting period for the processor annual report shall be from July 1 through June 30, commencing July 1, 1992, and terminating upon closure of the facility in accordance with the permit.

c. Annual reports shall be submitted to the administrative authority by August 1 of each reporting year.

d. The annual report is to be provided for each individual permitted facility on a separate annual-reporting form.

e. A facility which receives industrial solid waste shall utilize, in its annual report, the seven-digit industrial waste number that has been assigned by the administrative authority to the industrial solid waste generator.

f. The annual report for incinerator waste-handling facilities, shredders, balers, compactors, and transfer stations shall identify the quantity (expressed in wet-weight tons per year), and types of solid waste transported for disposal. The report shall also identify the permitted facility used for disposal of the waste.

g. The permit holder shall maintain at the facility all records specified in the application as necessary for the effective management of the facility and for preparing the required reports. These records shall be maintained for the life of the facility and shall be kept on file for at least three years after closure.

h. The permit holder shall maintain records of

transporters transporting waste for processing or disposal at the facility. The records shall include the date of receipt of shipments of waste and the transporter's solid waste identification number issued by the administrative authority.

i. Records kept on site for all facilities shall include, but not be limited to:

Rules and Regulations:

i. copies of the applicable Louisiana Solid Waste

ii. the permit;

iii. the permit application;

iv. permit modifications.

v. Certified field notes for construction

vi. Operator training programs

vii. daily log

viii. quality -assurance/quality-control records

ix. Inspections by the permit holder or operator including but not limited to inspections to detect incoming hazardous waste loads

x. Board of Certification and Training for Solid Waste Disposal System Operator Certificates, if applicable

xi. Monitoring, testing, or analytical data

xiv. any other applicable or required data deemed necessary by the administrative authority

xv. Copies of all documents received from and

submitted to the Department

2. Personnel

a. All facilities shall have the personnel necessary to achieve the operational requirements of the facility. All personnel involved in waste handling at the facility must be trained in procedures to recognize and exclude receipt or processing of hazardous wastes and PCB wastes.

b. Facilities receiving residential and commercial solid waste shall have the numbers and levels of certified operators employed at the facility, as required by the Louisiana Administrative Code, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the department shall be notified within 30 days of any changes in the employment status of certified operators.

c. maximum days of operation per week and per facility operating day (maximum hours of operation within a 24-hour period).

d. an estimate of the minimum personnel, listed by general job classification, required to operate the facility; and

H. Facility Operational Plans.

1. Facility Limitations

a. The receipt of hazardous waste shall be strictly prohibited and prevented. Any other wastes that present special handling or disposal problems may be excluded by the administrative authority.

b. Open burning shall not be practiced unless authorization is first obtained from the administrative authority and any other applicable federal, state, and local authorities.

i. Salvaging shall be prevented unless approved by the administrative authority.

ii. Scavenging shall be prevented.

c. Type II-A processing facilities may not receive industrial solid waste, incinerator ash, or nonhazardous petroleum-contaminated media and debris generated by underground storage tanks (UST) corrective action.

d. The receipt of mercury and/or cadmium-bearing batteries by incinerator waste-handling facilities is strictly prohibited.

2. Facility Operational Plans. Operational plans shall be provided which describe in specific detail how the waste will be managed during all phases of processing operations. At a minimum, the plan shall address:

a. the route the waste will follow after receipt;

b. the sequence in which the waste will be processed or disposed of within a unit;

c. the method and operational changes that will be used during wet weather (particular attention should be given to maintenance of access roads and to water management); and

d. the recordkeeping procedures to be employed to ensure that all pertinent activities are properly documented.

3. Facility Operational Standards

a. Waste Testing. Facilities which receive domestic septage or sewage sludge from publicly owned treatment works shall require the waste be tested for toxicity characteristics leachate procedure (TCLP) Analysis and priority pollutants prior to acceptance of the waste and annually for two years following acceptance. Each year thereafter, the generator must certify that the waste remains unchanged.

b. All containers shall provide containment of the wastes and thereby control litter, odor, and other pollution of adjoining areas.

c. Provisions shall be made for at least daily cleanup of the facility, including equipment and waste-handling areas.

d. No solid waste shall be stored long enough to cause a nuisance, health hazard, or detriment to the environment.

e. Treatment facilities for washdown and other contaminated water shall be provided.

f. Facilities that employ incineration shall develop an ash-management plan that includes, at a minimum, testing, handling, transportation, and disposal of ash at a permitted facility.

g. Facilities shall have a plan for handling contaminated water.

h. Specific Operational Standards for Incinerator Waste-handling Facilities

i. Handling. Ash shall be properly wetted and contained so as to ensure that there are no dust emissions during loading, transporting, or unloading.

ii. Testing

(a). Testing procedures, schedules, and methods must be submitted to the Department for review and approval before disposal operations begin. Disposal of ash shall be only in a permitted Type I facility. Processing of ash shall be only in a permitted Type I-A facility.

(b). Testing of ash shall be performed quarterly for TCLP metals and annually for dioxins.

4. Sufficient equipment shall be provided and maintained at all facilities to meet their operational needs.

5. The following standards apply to facility operations, emergency procedures, and contingency plans for all facilities:

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the administrative authority and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subsection G.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the administrative authority.

c. types of waste, maximum quantities of wastes per year, and sources of waste to be processed at the facility;

d. waste-handling procedures from entry to final disposition, which could include shipment of recovered materials to a user;

e. minimum equipment to be furnished at the facility;

f. plan to segregate wastes, if applicable;

g. procedures planned in case of breakdowns, inclement weather, and other abnormal conditions (including detailed plans for wet-weather access and operations);

h. procedures, equipment, and contingency plans for protecting employees and the general public from accidents, fires, explosions, etc., and provisions for emergency care should an accident occur (including proximity to a hospital, fire and emergency services, and training programs); and

i. provisions for controlling vectors, dust, litter, and odors.

6. The following information on operational plans is required for Type II-A incinerator waste-handling facilities and refuse-derived energy facilities:

a. a description of the method used to handle process waters and other water discharges which are subject to NPDES permit and state water discharge permit requirements and regulations; and

b. a plan for the disposal and periodic testing of ash (all ash and residue must be disposed of in a permitted facility).

7. The following information on operational plans is required for Type II-A refuse-derived fuel facilities:

a. a description of the testing to be performed on the fuel or compost; and

b. a description of the uses for and the types of fuel/compost to be produced.

8. The operational plans for Type II-A refuse-derived fuel facilities must include a description of marketing procedures and control.

I. Implementation Plan.

a. a construction schedule for existing facilities which shall include beginning and ending time-frames and time-frames for the installation of all major features such as monitoring wells and liners. (Time-frames must be specified in days, with day one being the date of standard permit issuance); and

b. details on phased implementation if any proposed facility is to be constructed in phases.

J. Facility Closure.

1. The closure plan must include the following:

a. the date of final closure;

b. the method to be used and steps necessary for closing the facility; and

c. the estimated cost of closure of the facility, based on the cost of hiring a third party to close the facility at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive.

L. Financial Responsibility. Standards governing financial responsibility are contained in LAC 33:VII.727. A section documenting financial responsibility according to LAC 33:VII.727 which contains the following information, must be included for all facilities:

1. the name and address of the person who currently owns the land and the name and address of the person who will own the land if the standard permit is granted (if different from the permit holder, provide a copy of the lease or document which evidences the permit holder's authority to occupy the property); or

2. the name of the agency or other public body that is requesting the standard permit; or, if the agency is a public corporation, its published annual report; or, if otherwise, the names of the principal owners, stockholders, general partners, or officers;

3. evidence of liability coverage, including:

a. personal injury, employees, and the public (coverage, carriers, and any exclusions or limitations);

b. property damage (coverage and carrier);

c. environmental risks; and

4. evidence of a financial assurance mechanism for closure and corrective action for known releases when needed.

M. Special Requirements. The administrative authority may require additional information for special processes or systems and for supplementary environmental analysis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993).

§905. Part III: Additional Supplementary Information

The following supplementary information is required for all solid waste processing and disposal facilities. All responses and exhibits must be identified in the following sequence to facilitate the evaluation:

A. a discussion demonstrating that the potential and real adverse environmental effects of the facility have been avoided to the maximum extent possible;

B. a cost-benefit analysis demonstrating that the social and economic benefits of the facility outweigh the environmental-impact costs;

C. a discussion and description of possible alternative projects which would offer more protection to the environment without unduly curtailing nonenvironmental benefits;

D. a discussion of possible alternative facilities which would offer more protection to the environment without unduly curtailing nonenvironmental benefits; and

E. a discussion and description of the mitigating measures which would offer more protection to the environment than the facility, as proposed, without unduly curtailing nonenvironmental benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

